

REMARKS

This Amendment is submitted in response to the non-final Office Action of April 19, 2007 (hereinafter "the Office Action"). By this Amendment, claim 5 is incorporated into claim 1 and is canceled; claims 1, 6, 8, 9, and 22-24 remain pending.

Interview

The undersigned wishes to express his appreciation to the Examiner for courtesies extended in granting and participating in the Examiner Interview of June 27, 2007. Although no agreement was reached with regard to the independent claims, the discussion led to a better appreciation for the Examiner's positions with regard to the claims and the primary and secondary references, which assisted in formulating this Amendment.

Amendment

Claims 1 and 22 are amended to now include the following additional features that are supported by the specification as follows:

- i. That "the compiled DTD comprises executable program code configured to execute on the CPU" (claim 1, lines 6-7) is supported in paragraph 28.
- ii. That "the compiled DTD . . . cause the CPU to receive the XML document as input" (claim 1, lines 6-7) is supported, e.g., in Figure 3A and paragraph 28.
- iii. That "the compiled DTD [is] a self contained executable program" (claim 1, line 8) is supported, e.g., in Figures 3A, 4 and paragraphs 28, 36.
- iv. That "the compiled DTD . . . verifies whether the XML document conforms to a DTD that corresponds to the XML document" (claim 1, lines 8-9) is supported, e.g., Figures 3A, 4, and paragraphs 26 and 45.
- v. That "the compiled DTD [is] generated by parsing a DTD document to generate source code" (claim 1, lines 9-10) is supported, e.g., in Figure 4 and paragraph 26.
- vi. That "the DTD document contain[s] the DTD corresponding to the XML document" (claim 1, lines 10-11) is supported by Figures 3A, 4, and paragraphs 26 and 45.
- vii. That "the compiled DTD [is] generated by . . . compiling the source code to generate the compiled DTD" (claim 1, lines 9-12) is supported by paragraph 35.

Changes to independent claim 22 mirror those made to claim 1 and are supported by the specification in the same manner as described above with respect to claim 1. No new matter is therefore introduced by this Amendment, entry and consideration thereof being respectfully requested.

Rejections based on prior art

Claims 1, 9, 22, and 24 stand rejected under 35 U.S.C. § 102(e) for being anticipated by published U.S. patent application 10/452,282 (Publication No. 2004/0002952) filed by Lee et al, hereinafter referred to as "Lee." Claims 5, 6, 8, and 23 stand rejected under 35 U.S.C. § 103(a) for being unpatentable over Lee in view of U.S. Patent Application 09/753,038 (Publication No. 2001/0054172) filed by Tuatini, hereinafter referred to as "Tuatini." Applicant respectfully traverses because either the rejected claim is canceled by this Amendment or else the prior art references do not show or suggest each and every feature set forth in the claims, and because the prior art lacks motivation to combine and/or modify the references as proposed in the Office Action.

With regard to claim 5, Applicant respectfully notes that this claim is canceled, thereby obviating any rejection thereagainst.

With regard to claims, 1 and 22, Applicant respectfully points out that these claims set forth subject matter not described by the reference Lee, and is therefore not anticipated by Lee. The following discussion is illustrative of distinguishing elements of claims 1 and 22, and should not be considered an exhaustive listing of distinguishing features of these claims.

In contrast to various features set forth in claim 1, Lee does not disclose a compiled DTD executing on a wireless device. As shown in Figure 2 of Lee, device 21, which can be a wireless device (paragraphs 32, 41), receives an XML document and transmits it to external device 23 for validation. Device 21 never receives the DTD, which is only received by device 23. Furthermore, The schema/DTD received by device 23 is not an executable code. Lee instead uses an XML validator 232 that receives the DTD and the XML file and performs validation by traditional parsing mechanisms (Figures 4 and 5, paragraphs 37 – 40).

Although Tuatini mentions a code generator that generates a class definition for each element specified by a DTD, a de-serialization code that maps data of an XML document to an object that is an instance of the class definition, and a validation logic that inputs an object

of a certain class definition and outputs an indication as to whether the object is valid, neither Lee nor Tuatini suggest a self contained executable program configured to execute on the CPU of a wireless device that receives an XML document as input and verifies whether the XML document is valid, as presently set forth in claims 1 and 22.

Tuatini is not directed to wireless devices, but to the separation of serialization code and validation code to allow each operation to be performed by an entity external to an application program that uses the data of the classes, and to allow the serialization and validation code to be modified without affecting the applications that access the data of the classes (see paragraph 21). Thus, Tuatini teaches away from providing “a self contained executable program” that “receives the XML document as input” and is “configured to execute on the CPU” of “a ireless device” as set forth in claims 1 and 22.

The Office Action cites “reducing cost of developing and maintaining validation applications” as motivation to combine Tuatini with Lee. Applicant agrees that those skilled in the art of Lee may have recognized the advantages of Tuatini, but do not see how this advantage would lead one to combine the references as proposed. For example, the validation mechanism described in Tuatini could simply be integrated into the XML validator 232 shown in Figure 2 of Lee to obtain all the advantages of Tuatini without the much more difficult task of getting the system to run on the wireless device 21. Thus, without a nexus between the motivation cited and the combination proposed in the Office Action, the rejection does not present a *prima facie* case for obviousness.

For these reasons and others, Applicant respectfully submits that the present Application is in condition for allowance. A Notice of Allowance is therefore respectfully requested.

If the Examiner has any questions concerning the present amendment, the Examiner is kindly requested to contact the undersigned at (408) 774-6933. If any other fees are due in connection with filing this amendment, the Commissioner is also authorized to charge

Deposit Account No. 50-0805 (Order No. SUNMP365). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
MARTINE PENILLA & GENCARELLA, LLP



Leonard Heyman
Reg. No. 40, 418

710 Lakeway Drive, Suite 200
Sunnyvale, CA 94085
Telephone: (408) 749-6900
Facsimile: (408) 749-6901
Customer Number 32291